

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DOUGLAS CORNELL JACKSON,

Plaintiff,

v.

UNKNOWN LORENDO, et al.,

Defendants.

CASE No. 2:21-cv-13

HON. ROBERT J. JONKER

ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Vermaat’s Report and Recommendation (ECF No. 117), Plaintiff’s Objection to the Report and Recommendation (ECF No. 122), and Defendants’ response. (ECF No. 125). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, “[t]he district judge . . . has a duty to reject the magistrate judge’s recommendation unless, on de novo reconsideration, he or she finds it justified.” 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the

Report and Recommendation itself; and Plaintiff's objections. After its review, the Court finds that Magistrate Judge Vermaat's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends dismissing this case on the basis of Plaintiff's failure to prosecute and denying as moot the three discovery motions that Plaintiff had filed up to that point. (ECF Nos. 99, 103, and 113).¹ In his objections, Plaintiff primarily reiterates and expands upon arguments already considered and rejected by the Magistrate Judge. His objections fail to deal in a meaningful way with the Magistrate Judge's analysis and procedural history of this case. The Magistrate Judge carefully and thoroughly considered the record, the parties' arguments, and the governing law. The Magistrate Judge properly analyzed Plaintiff's claims. Nothing in Plaintiff's Objections changes the fundamental analysis. The Court agrees with the Magistrate Judge that this case should be dismissed for the very reasons delineated by the Magistrate Judge.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 117) is **APPROVED AND ADOPTED** as the opinion of the Court. **IT IS FURTHER ORDERED** that Defendant's Motions (ECF Nos. 99, 103, 113, 119, and 120) are **DENIED AS MOOT**. **IT IS FURTHER ORDERED** that this case is **DISMISSED**.

A separate Judgment shall issue.

Dated: October 6, 2022

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

¹ Since the R&R was filed, Plaintiff submitted two additional motions for the appointment of counsel (ECF No. 119) and a motion challenging the procedures of the Ionia Correctional Facility. (ECF No. 120). These motions are denied as moot in light of this decision.